

CHAPTER 87

CONTROL AND ERADICATION OF BANG'S DISEASE

S. F. 255

AN ACT to provide for control and eradication of Bang's disease in cattle; to provide for an appropriation for one year for the purpose of carrying out the provisions of this act; and to provide for the levy in each county of a tax to be placed in a fund to be known as the county Bang's disease eradication fund.

WHEREAS, for the period from January 1, 1934 to November, 1938 there has been expended by the Federal Government in the State of Iowa for the eradication of Bang's disease in cattle the sum of approximately two million and ninety-three thousand dollars (\$2,093,000.00); and

WHEREAS, Congress provided for such payments even though the State of Iowa has made no payment or has not equaled the Federal indemnity payments; and

WHEREAS, Congress has provided that on and after May 1, 1939, no further payments by the Federal Government on account of reactors to the Bang's test shall exceed the amount paid or to be paid by the State; and

WHEREAS, if the State of Iowa fails to appropriate moneys for indemnity payments on account of reactors to the Bang's test on or before May 1, 1939, no further Federal funds will be available to the State of Iowa for such purposes; and

WHEREAS, that in order to combat Bang's disease among cattle in the State of Iowa in cooperation with the Bureau of Animal Industry of the United States Department of Agriculture; now, therefore,

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Definitions.

2 As used in this chapter:

3 "Department" means the Department of Agriculture.

4 "Condemned" applies to cattle reacting to a test applied for Bang's
5 disease.6 "Official test" for Bang's disease includes all tests made under the
7 supervision of or authorization from the department.8 "Owner" includes any person, firm, co-partnership, association or
9 corporation owning or leasing from another any livestock.10 "Registered purebred" shall include cattle with a certificate from
11 herd books where registered.

1 SEC. 2. Rules and regulations.

2 The department may make rules and regulations respecting the
3 official testing of cattle, the disposal by segregation and quarantine
4 or slaughter of condemned livestock, the disinfection of the premises,
5 the introduction into the herd of other cattle, the control and eradica-
6 tion of Bang's disease, the prevention of the spread thereof to the
7 cattle of this State, and the proper enforcement of this Act.

1 SEC. 3. Inspection and tests at request of owner.

2 Whenever the owner of cattle shall request the department to make
3 an inspection of his cattle for Bang's disease, the department may
4 designate a veterinarian to make an inspection and, if authorized by
5 the department, conduct a test by the method or methods adopted and
6 approved by the department.

1 **SEC. 4. Expense of inspection and tests.**

2 If the owner shall agree to comply with and carry out the rules
3 and regulations made by the department under Section 2 of this Act,
4 the expense of such inspection and test shall be borne by the United
5 States department of agriculture, or by the department, or both.

1 **SEC. 5. Certificate showing freedom from disease.**

2 Whenever an official test of any cattle is made by a veterinarian
3 authorized by the department, and such cattle are found to be free
4 from Bang's disease, a certificate, setting forth this fact, shall be
5 issued by the department, providing all rules and regulations under
6 the plan adopted by the department for the control and eradication of
7 Bang's disease in cattle have been complied with.

1 **SEC. 6. Failure by owner to comply with regulations.**

2 Whenever, on proof or report of examining veterinarian, the de-
3 partment is satisfied that any owner has failed to comply with any
4 rule or regulation made by the department under the provisions of
5 this Act, the owner shall be so notified in writing by the department,
6 and such owner shall immediately lose all rights or interest acquired,
7 if any, under the provisions of Section 5 of this Act.

1 **SEC. 7. Retest.**

2 The department may order a retest of any dairy or breeding cattle
3 at any time, when in their opinion, it is necessary.

1 **SEC. 8. Report on tests.**

2 A report of such tests shall be made in writing to the chief of the
3 bureau within seven (7) days immediately following the completion
4 of the tests, upon blanks furnished by the department and signed by
5 the director of the laboratory or the person making the test.

1 **SEC. 9. Marking stock to be tested.**

2 All cattle subjected to an official test under the department shall be
3 plainly and permanently marked for identification in a manner author-
4 ized by the department.

1 **SEC. 10. Marking condemned cattle.**

2 All cattle condemned as a result of a test for Bang's disease shall
3 be plainly and permanently marked for identification by any qualified
4 veterinarian making test in a manner authorized by the department.

1 **SEC. 11. Quarantine of condemned cattle.**

2 Any cattle condemned as a result of an official test, shall be immedi-
3 ately segregated from the remaining cattle and held in quarantine at
4 the owner's expense until such time as the disposal of same can be
5 made, provided that the owner may at his option retain such cattle
6 for breeding purposes in accordance with the rules and regulations
7 of the department.

1 **SEC. 12. Exposure of stock to disease.**

2 No cattle shall be brought in contact with any condemned cattle
3 held in quarantine. If any untested cattle are added to the quaran-
4 tined lot, said cattle shall become a part of the lot and held subject to
5 the same rules and regulations.

1 **SEC. 13. Slaughter or removal of condemned stock without permis-**
 2 **sion.**

3 No condemned cattle shall be slaughtered, have their location
 4 changed, or be moved from quarantine except by official written per-
 5 mit by the department.

1 **SEC. 14. Slaughter of condemned cattle.**

2 When a written order has been issued by the department or its
 3 authorized representative for the removal of condemned cattle to
 4 slaughter, such cattle within thirty (30) days shall be moved and
 5 slaughtered under the direct supervision of a duly authorized agent
 6 or representative of the United States department of agriculture at
 7 a time and place designated by the department.

1 **SEC. 15. Purchase or sale of condemned cattle.**

2 No person shall sell, offer for sale, or purchase any cattle con-
 3 demned as a result of an official test, except under regulations issued
 4 by the department.

1 **SEC. 16. Issuance of quarantine orders.**

2 The department may issue any quarantine orders deemed necessary
 3 for the control and eradication of Bang's disease and the proper en-
 4 forcement of this Act.

1 **SEC. 17. Cooperation with local or federal authorities.**

2 The department may cooperate with any township or county for
 3 the control and eradication of Bang's disease within the state or with
 4 the United States department of agriculture for the prevention of the
 5 spread and the control of Bang's disease in cattle and its eradication
 6 in the United States.

1 **SEC. 18. Appraisal.**

2 Before being tested, such cattle shall be appraised at their cash
 3 value for dairy and breeding purposes by the owner and a representa-
 4 tive of the state department of agriculture, or a representative of the
 5 United States department of agriculture, or by the owner and both
 6 of such representatives. If these parties cannot agree as to the
 7 amount of the appraisal, there shall be appointed three competent and
 8 disinterested persons, one by the state department of agriculture, one
 9 by the owner, and the third by the first two appointed, to appraise
 10 such animals, which appraisal shall be final.

1 **SEC. 19. Amount of indemnity.**

2 The department shall, until May 1, 1940, pay the owner for each
 3 animal slaughtered in accordance with this Act, and after May 1,
 4 1940, shall certify a claim for the owner for each animal slaughtered
 5 in accordance with this Act for not more than one-third of the differ-
 6 ence between the appraised value of such animal and the salvage
 7 value thereof, but in no case more than eight dollars (\$8.00) for a
 8 grade animal or not more than twelve dollars and fifty cents (\$12.50)
 9 for a registered purebred animal, but in no case shall the department
 10 pay indemnity on cattle not eligible to receive a like amount from the
 11 United States department of agriculture.

12 No indemnity shall be paid:

13 (a) On animals diseased at the time of arrival in this state.

- 14 (b) On animals which the owner or claimant knew to be diseased,
15 or had notice thereof at the time they came into his possession.
16 (c) Whenever the owner or agent in possession of said animal has
17 not complied with the rules and regulations of the department.
18 (d) When the condemned animals are not destroyed within thirty
19 (30) days after date of appraisal.

1 **SEC. 20. Appropriation.**

2 There is hereby appropriated from funds of the state not otherwise
3 appropriated the sum of one hundred thousand dollars (\$100,000.00)
4 for use by the department in carrying out the provisions of this Act
5 for the period beginning May 1, 1939 and ending May 1, 1940.

6 The department shall administer said fund in accordance with the
7 rules adopted by it. Any unexpended balance remaining in said fund
8 shall revert to the general fund of the state.

1 **SEC. 21. Eradication fund.**

2 In each county in the state, the board of supervisors shall each year
3 when it makes the levy for taxes, levy a tax sufficient to provide a
4 fund to pay the indemnity and other expenses provided in this chap-
5 ter, except as provided herein, but such levy shall not exceed one-half
6 mill in any year upon the taxable value of all the property in the
7 county.

1 **SEC. 22. Collection.**

2 Such levy shall be placed upon the tax list by the county auditor
3 and collected by the county treasurer in the same manner and at the
4 same time as other taxes of the county. The money derived from
5 such levy shall be placed in a fund to be known as the "County Bang's
6 Disease Eradication Fund", and the same shall only be used for the
7 payment of claims as provided in this chapter.

1 **SEC. 23. Report by auditor.**

2 The county auditor of each county shall, not later than July fifteenth
3 of each year, certify to the secretary of agriculture a report showing
4 the amount in the Bang's Disease Eradication Fund on July first of
5 each year.

1 **SEC. 24. Levy omitted.**

2 Should it appear to the secretary of agriculture that the balance in
3 such fund is sufficient, with the county's allotment of state and federal
4 funds available, to carry on the work in such county for the ensuing
5 year, he shall so certify to the county auditor, and, when such certifi-
6 cation has been made, the board shall make no levy for such Bang's
7 Disease Eradication Fund for such year.

1 **SEC. 25. Exhaustion of county fund.**

2 Whenever the balance of such fund becomes less than twenty-five
3 hundred dollars (\$2500.00), the county auditor shall notify the de-
4 partment in writing of such fact, and no expense shall be incurred
5 on such account in excess of the cash available in such fund.

1 **SEC. 26. Certification of claims.**

2 All claims presented under authority of this Act shall be certified
3 by the department and filed with the county auditor, who shall present

4 them to the board of supervisors, and such board shall allow and pay
5 the same as other claims against the county.

1 SEC. 27. The provisions of this act shall be in full force and effect
2 only from the effective date hereof to and including December 31, 1943.

1 SEC. 28. This Act, being deemed of immediate importance, shall be
2 in full force and effect after its passage and publication in the Hamp-
3 ton Chronicle, a newspaper in Hampton, Iowa, and in the Sheffield
4 Press, a newspaper in Sheffield, Iowa.

Approved May 1, 1939.

I hereby certify that the foregoing act was published in the Hampton Chronicle, May
4, 1939, and the Sheffield Press, May 4, 1939.

EARL G. MILLER, *Secretary of State.*

CHAPTER 88

BANG'S DISEASE

H. F. 52

AN ACT to amend section twenty-six hundred forty-four (2644), code, 1935, relating to the definition of infectious and contagious diseases of live stock, and providing for the inclusion of Bang's disease in this classification.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section twenty-six hundred forty-four (2644), Code,
2 1935, is hereby amended by inserting after the comma (,) following
3 the word "tuberculosis" in line five (5) thereof, the following: "Bang's
4 disease,".

1 SEC. 2. This act being deemed of immediate importance shall be
2 in full force and effect from and after its passage and publication as
3 provided by law.

Approved March 23, 1939.

I hereby certify that the foregoing act was published in The Danbury Review, April
6, 1939, and the Little Rock Free Lance, March 30, 1939.

EARL G. MILLER, *Secretary of State.**

CHAPTER 89

REFRIGERATED LOCKER PLANTS

H. F. 176

AN ACT to provide for the defining and licensing of refrigerated locker plants, and to provide a lien upon the food stored therein in favor of the lessor.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. **Definitions.** For the purpose of this chapter:
2 "Food" shall include any article used by man for food, drink, con-

*Note: Published under authority of section 55, code 1935.